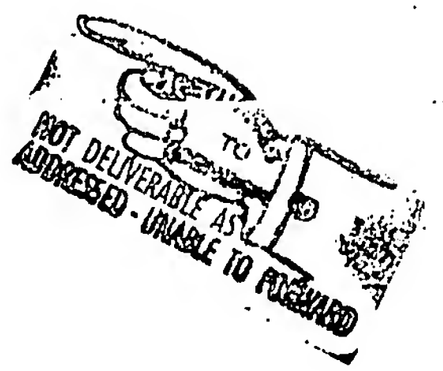
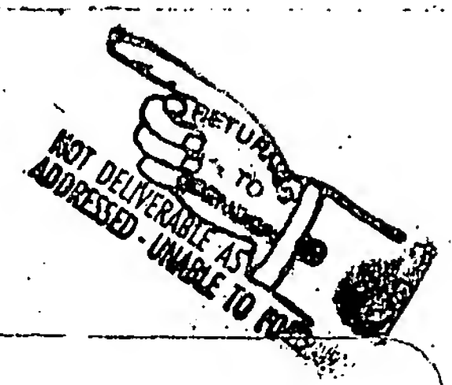
Organization TC 1600 Bldg/Room Rem
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
If Undeliverable Return in Ten Days

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004244975
$ 01.28⁰
JUL 25 2011
MAILED FROM ZIP CODE 22314

AN EQUAL OPPORTUNITY EMPLOYER





NIXIE 4721 1 04 08/02/11

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,693	04/26/2007	Christohper Gordon Barber	PC32332B	1787

7590 07/25/2011

Pfizer Inc.
Corporate Patent Department
P. O. Box 1027
Chesterfield, MO 63006

EXAMINER
MORRIS, PATRICIA L

ART UNIT	PAPER NUMBER
1625	

MAIL DATE	DELIVERY MODE
07/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/564,693	BARBER ET AL.	
	Examiner	Art Unit	
	PATRICIA MORRIS	1625	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-27* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted. In these claims, the numerous variables and their voluminous complex meanings and their seemingly endless permutations and combinations and numerous provisos, make it virtually impossible to determine the full scope and complete meaning of the claimed subject matter.

Group I, the instances wherein R^2 is phenyl, benzyl or naphthyl.

Group II, the instances wherein R^2 is pyrazole.

Group III, the instances wherein R^2 is imidazo[1,2-a]pyridine.

Group IV, the instances wherein R^2 is benzothiadiazolyl.

Group V, the instances wherein R^2 is quinoline.

Group VI, any compounds not grouped in the above groups because claim 1 is too vague to further group.

Group VII, Claims 20-22, drawn to multiple processes.

Group VIII, Claim 23, drawn to intermediates.

Group IX, Claim 24, drawn multiple compositions requiring an additional active ingredient.

Group X, Claims 25-27, drawn to multiple uses.

The inventions listed as Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Groups I-VI and X are related as products and multiple uses, In the instant case, the products as claimed can be used in materially different processes as evidenced by applicants' own claims and specification.

Groups I-VI and VII are related as products and multiple processes of preparing. In the instant case, the products as claimed can be made by materially different processes as evidenced by applicants' own claims and specification.

Groups I-VI and VIII are related as products and intermediates. In the instant case, the intermediates have separate utilities such as fungicides, herbicides, insecticides, corrosion inhibitors, etc.

Groups I-VI and IX are unrelated because the compounds of Groups I-VI do not require an additional active ingredient for their uses.

Due to the numerous variables in R^2 etc., and their widely divergent meanings, and the numerous uses, a precise listing of inventive groups cannot be made. Illustrative of different inventive concepts may be made by reference to the compounds in the Examples of the instant application, as for example:

the compounds of

I .example 1,

II. example 2

III. example 3,

IV. example 25, etc.,

The claims herein lack unity of invention under PCT Rule 13.1 and 13.2 since the compounds defined in the claims lack a significant structural element qualifying as the special technical feature that defines a contribution over the prior art. The compounds contain a pyridine ring which does not define a contribution over the prior art. In these claims, the numerous variables in the numerous formulas and their voluminous complex meanings and their seemingly endless permutations and combinations and numerous proviso clauses, make it virtually impossible to determine the full scope and complete meaning of the claimed subject matter. Accordingly, unity of invention is considered to be lacking and restriction of the invention in accordance with the rules of unity of invention is considered to be proper.

In the event of an election of either Groups I, II, III, IV, V, VI or VIII, applicants are required to elect a single compound.

Claims 1-12 will be examined to the extent readable on the elected compounds.

In the event of an election of Group X, applicants are requested to elect one method of use, *i.e.*, a specific disease.

In the event of an election of Group IX, applicants are requested to elect a single disclosed mixture.

In the event of an election of Group VII, applicants are requested to elect a single disclosed process.

With the election of a specific exemplified compound, a generic concept, will be identified by the examiner as the inventive group for examination.

Because these inventions lack unity of invention for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter restriction for examination purposes as indicated is proper.

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined. Process claims that depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is *presented prior to* final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be **allowable,** the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b).

Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** *Applicants are reminded of propriety of process of use claims in consideration of the "reach-through" format, which is drawn to mechanistic, receptor binding or enzymatic functionality. Reach through claims are considered lacking of descriptive and enabling support from the specification.* Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Applicant may file the divisional subject matter noted in divisional applications. If applicant wishes a generic expression of the elected invention the claims here need be amended to reflect that election.

This restriction requirement is being written as previous experience has indicated that with Foreign applicants and the inherent time delays, applicants' representative is better able to make an informed, correct, election of the invention applicants would wish to have prosecuted here if applicants are given the opportunity to see the restriction requirement laid out, and given the time to make an informed decision.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Morris whose telephone number is (571) 272-0688. The examiner can normally be reached on Mondays through Fridays.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Patricia L. Morris/
Primary Examiner, Art Unit 1625

plm
April 27, 2011